

GEORGE TYRONE DUNLAP, JR.,)	2:12-cv-01370-JCM-VCF
)	
Plaintiffs,)	
)	ORDER
vs.)	
)	
WARDEN D. NEVEN, et al.,)	
)	
Defendants.)	
)	

I. Factual background

In the instant preliminary injunction motion, plaintiff alleges that the prison officials are on a “constant quest to punish and harm [plaintiff] for the filing of ‘grievances and civil suit’” (Doc. # 41 p. 2). He specifically alleges that officers intentionally placed him in a cell with a racist, Aryan gang member despite the fact that plaintiff is black. However, plaintiff does not allege that any conflict actually occurred with this cell mate.

Plaintiff further claims that he was locked in a shower cage and assaulted with “spit and urine” by other inmates. (Doc. # 41 p. 3). He also provides a narrative of an event in which an officer forced him to put his hands against a wall while inmates were being lined up to leave the prison dining hall. (Doc. # 55 p. 3). The complaint also contains numerous allegations that prison officers have threatened

1 plaintiff with physical violence. Plaintiff asserts that each of these events was caused directly or
2 indirectly by prison officials in retaliation for his acts of filing grievances regarding his incarceration.

3 Plaintiff initially requests that the court order that he be relocated to Lovelock correctional center.
4 (Doc. # 41 p. 4). Later, plaintiff alters this request and asks the court to order that he be relocated to the
5 High Desert State Prison “medical psych unit.” (Doc. # 56 p. 4).

6 **II. Legal Standard**

7 The Supreme Court has stated that courts must consider the following factors in determining
8 whether to issue a preliminary injunction: (1) likelihood of irreparable injury if preliminary relief is not
9 granted; (2) a likelihood of success on the merits; (3) balance of hardships; and (4) advancement of the
10 public interest. *Winter v. N.R.D.C.*, 555 U.S. 7, 20 (2008). “An injunction is a matter of equitable
11 discretion” and is “an extraordinary remedy that may only be awarded upon a clear showing that the
12 plaintiff is entitled to such relief.” *Id.* at 22, 32. A moving party is required to make a showing that all
13 of these requirements have been met. *American Trucking Assoc. v. City of Los Angeles*, 559 F.3d 1046,
14 1052 (9th Cir. 2009).

15 **III. Analysis**

16 The court declines to grant plaintiff’s request for a preliminary injunction at this time because
17 he fails to demonstrate that he has a likelihood of success on the merits. While plaintiff makes numerous
18 allegations of misconduct by the prison staff, he provides no evidence to support his claims. Without
19 admissible evidence to support plaintiff’s allegations of a conspiracy by prison officials to punish him
20 for filing grievances, the court finds that plaintiff lacks a likelihood of success on the merits of his
21 claims.

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1 **IV. Conclusion**

2 Accordingly,

3 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that plaintiff George T. Dunlap's
4 motion for a preliminary injunction (doc. #41) be, and the same hereby is, DENIED.

5 DATED: April 14, 2014.

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7 
8 UNITED STATES DISTRICT JUDGE